IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.6096 OF 2006.

Shri. Istiyak Ahmed Mohd.Yunus Ansari. .. ..Petitioner.

Vs.

Shri.B.M. Dodia, Hasmukh, Atul Jayandra,Nilesh,Harish Dodiya. ..Respondents.

Firoz A. Ansari for the Petitioner.

CORAM:R.M.S.KHANDEPARKAR,J.
DATED:13TH NOVEMBER, 2006.

P.C.:-

1] Heard.

2] The petitioner challenges Award dated 31st March, 2006 passed by the Labour Court, Thane answering Reference No. 458 of 02 in negative and thereby rejecting the claim of the petitioner to be the workman of the respondent. The Labour Court on detail analysis of the evidence led in the Court has held that the Petitioner has clearly admitted in his evidence that he was required to receive amount in cash on signing the Bills and he was rendering service on contract

basis. As against this, there is absolutely no evidence produced by the Petitioner in support of his claim that he was workman working for the respondent. Nothing has been brought to my notice which could disclose the said finding to be either incorrect or contrary to the materials on record. In the facts and circumstances of the case, therefore, the impugned order does not disclose any jurisdictional error so as to warrant interference in exercise of powers under Article 227 of the Constitution.

3] Attention was sought to be drawn to the decision of the Division Bench in **Maharashtra State Road Transport Corpn Vs.Kishore Kondiram Jagade & Others reported in 2006 (2)B.C.R. 340.** However, the said decision is of no assistance to the petitioner. In view of the clear finding of fact about the status of the petitioner being not the workman of the respondent, petition is rejected.

[R.M.S.KHANDEPARKAR,J]